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March 4, 2005

FILED ELECTRONICALLY

The Honorable Joseph J. Farnan
United States District Court
844 North King Street
Wilmington, DE 19801

RE: *LG.Philips LCD Co., Ltd. v. Tatung Company, et al.*
C.A. No. 04-343-JJF

Dear Judge Farnan:

On behalf of plaintiff LG.Philips LCD Co., Ltd. ("LPL"), I write, reluctantly, to ask the Court's permission to file a Motion for Enlargement of Time to Respond to Tatung Defendants' Motion to Dismiss as to Jurisdictional Issues, a copy of which is an exhibit to this letter.

The parties are close to agreement on the relief requested, but have one difference: LPL believes the new deadline for filing its answering brief should be tied to the completion of jurisdictional discovery, as determined by the Special Master. The Tatung Defendants are only willing to agree to an extension to a date certain, which would mean the parties would need to come back to the Court for further extensions until jurisdictional discovery was completed. That does not seem the most efficient way to proceed. In addition, despite the appointment of the Special Master, the Tatung Defendants seem to be contending that jurisdictional discovery is no longer open.

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Accordingly, LPL requests permission to file the attached motion, or in the alternative, requests the Court to enter the form of order attached to the motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard D. Kirk". The signature is fluid and cursive, with the first name "Richard" and last name "Kirk" clearly distinguishable.

Richard D. Kirk

RDK/slh

Exhibits

Hard copies sent to:

- Clerk of Court (by hand)
- Richard L. Horwitz, Esquire (by hand)
- Jeffrey S. Goddess, Esquire (by hand)
- Jessica Zeldin, Esquire (by hand)
- Robert C. Weems, Esquire (by facsimile)
- Tracy Roman, Esquire (by facsimile)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LG.PHILIPS LCD CO., LTD.,

Plaintiff,

v.

TATUNG COMPANY; et al.,

Defendants.

Civil Action No. 04-343-JJF

**PLAINTIFF LG.PHILIPS LCD CO., LTD.'S
MOTION FOR ENLARGEMENT OF TIME
TO RESPOND TO TATUNG DEFENDANTS' MOTION TO DISMISS
AS TO JURISDICTIONAL ISSUES**

Plaintiff LG.Philips LCD Co., Ltd. ("LPL") respectfully requests an enlargement of the March 7, 2005 deadline to file an answering brief responding to the Motion To Dismiss for Lack of Personal Jurisdiction filed by Defendants Tatung Company ("Tatung") and Tatung Company of America, Inc. ("Tatung America") (the "Tatung Defendants") (D.I. 16.).¹

In November 2004, this Court entered orders granting LPL's motion for jurisdictional discovery (D.I. 88) and extending the time for LPL to brief the jurisdictional issues raised in the motion to dismiss until after jurisdictional discovery was completed (D.I. 90). The Tatung Defendants, however, have avoided and delayed jurisdictional discovery. On February 25, 2005,

the Court appointed former Judge Poppiti as a Special Master to resolve these issues (D.I. 178).

LPL believes that the Court's appointment of the Special Master implicitly extends the March 7, 2005 deadline for filing LPL's answering brief until after resolution of the

jurisdictional discovery issues so that LPL has the benefit of the discovery it needs to brief the jurisdictional issues. Otherwise, the appointment of the Special Master would serve no useful purpose. Judge Poppiti has scheduled an initial conference for March 9. Judge Poppiti will thus only begin to resolve the timing and scope of jurisdictional discovery after the March 7 deadline has expired.

The Court has broad authority to grant an enlargement of time for good cause. More specifically, the Court may properly enlarge a pending deadline when, as here, LPL has sought an enlargement of time before the deadline expires. *See* Fed. R. Civ. P. 6(b).² This Court has ruled that LPL is entitled to jurisdictional discovery; further, this Court has ruled that LPL should have until after the completion of jurisdictional discovery to submit its brief concerning personal jurisdiction. Accordingly, LPL respectfully requests that the Court enter an order formally enlarging the time for LPL to file its brief on personal jurisdiction until fifteen (15) days after the completion of jurisdictional discovery, as determined by the Special Discovery Master.


LPL's counsel conferred with Tatung's counsel in an effort to agree to enlarge the time for LPL to file its Answering Brief. While consenting generally to the extension of time, Tatung's counsel insisted on extending the deadline to a date certain. Because the process before the Special Discovery Master is just beginning, because the parties have little control over the Special Discovery Master's calendar, and because the history of this case demonstrates that obtaining any ordered discovery from the Tatung Defendants will continue to be problematic, LPL believes that setting the deadline at a definite point after the completion of discovery makes more sense than an arbitrary date certain that may need to be extended repeatedly.

² Rule 6(b) provides in relevant part that "the court for cause shown may at any time in its discretion" order a deadline set by rule, notice, or order of court to be "enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order." Fed. R. Civ. P. 6(b)(1).

For the foregoing reasons, LPL respectfully requests an enlargement of time to file its Answering Brief on personal jurisdiction in response to the motion to dismiss (D.I. 16) until and including 15 (fifteen) days after the completion of jurisdictional discovery, as determined by the Special Discovery Master.

March 4, 2005

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LG.PHILIPS LCD CO., LTD.,

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v.

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Defendants.

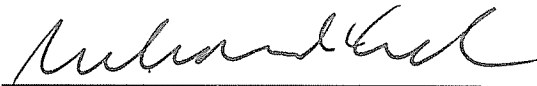
Civil Action No. 04-343-JJF

RULE 7.1.1 CERTIFICATION

The undersigned counsel certifies, pursuant to Local Rule 7.1.1, that LPL's counsel conferred with Tatung's counsel in an effort to agree to enlarge the time for LPL to file its Answering Brief. While consenting generally to the extension of time, Tatung's counsel insisted on extending the deadline to a date certain. Because the process before the Special Discovery Master is just beginning, because the parties have little control over the Special Discovery Master's calendar, and because the history of this case demonstrates that obtaining any ordered discovery from the Tatung Defendants will continue to be problematic, LPL believes that setting the deadline at a definite point after the completion of discovery makes more sense than an arbitrary date certain that may need to be extended repeatedly.

March 4, 2005

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ORDER

This _____ day of March, 2005, plaintiff LG.Philips LCD Co., Ltd. having moved for an extension of the date by which is shall file an answering brief in response to the Tatung Defendants' motion to dismiss for lack of personal jurisdiction [D.I. 16]; and the Court having appointed a Special Master for purposes of resolving disputes as to jurisdictional discovery [D.I. 178], and the Court having found good cause for the requested extension of the briefing schedule;

IT IS ORDERED that plaintiff shall serve and file its answering brief responding to the Tatung Defendants' motion to dismiss for lack of personal jurisdiction not later than fifteen (15) days after the completion of jurisdictional discovery, as determined by the Special Master.

United States District Judge

CERTIFICATE OF SERVICE

The undersigned counsel certifies that, on March 4, 2005, he electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send automatic notification of the filing to the following:


Richard L. Horwitz, Esq.
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Jeffrey S. Goddess, Esq.
Jessica Zeldin, Esquire
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The undersigned counsel further certifies that copies of the foregoing document were sent by email and first class mail to the following non-registered participants:

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Richard D. Kirk (rk0922)